

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – September 8, 2009 – 7 p.m.

Present:

Council President William Barthel
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Absent:

Councilperson John Cochran

Also Present:

Mayor Jack Klingmeyer, City Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Roger Akin, Building Official Jeff Bergstrom

Approval of Minutes by Date

A motion was made by Councilperson Petty to accept the minutes of August 11, 18 and 21 as written. The motion was seconded by Councilperson Megginson. The motion was approved unanimously.

Approval of Treasurer's Report

City Treasurer Carlin reported that, as of August 31, 2009, total petty cash on hand was \$400; total monthly deposits were \$1,380,291.18; total cash in the Wilmington Trust accounts, \$458,942.58; total certificates of deposit and Delaware Government Investment Pool, \$1,601,203.24; and total cash on hand, \$2,060,145.82.

Treasurer Carlin said that the City transferred \$200,000 from DELGIP to Delaware National Bank, which offered the best interest rate the City could get.

Councilperson Megginson made a motion to accept the report as presented. Councilperson Petty seconded the motion. The motion passed unanimously.

Report from the City Administrator

Administrator Thomas recapped a few highlights of what was in her written report. Clearwire company is interested in getting a new tower site near Suzi Park. Discussions are ongoing. The video shooting of the City by CGI Communications for the Web site was completed.

Council President Barthel said the report was accepted as presented.

Approval of Staff Reports

Council President Barthel said the staff reports were accepted as presented.

Business from the Floor (concerning agenda items only)

Earl Carpenter said he recalled that when the first cell tower went up in that area, the company that put it up was required to allow others on it. He asked why Clearwire wasn't going on it.

Administrator Thomas explained Clearwire was already on the existing tower, but claims it needs an additional tower.

Unfinished Business

1. Motion, Discussion and Vote on Resolution No. 2009-20, setting fees for items related to City operations.

Councilperson Megginson read the changes to the fees:

Business licenses

1 to 3 employees: the current fee is \$30, the proposed fee is \$40

4-8 employees: current fee \$50; proposed, \$75

9-20 employees: current, \$100; proposed, \$175

21 to 50 employees: current \$200; proposed, \$300

51 or more employees: proposed, \$300

Building permits

Currently \$10 for improvements valued at \$250 to \$500; fees now \$20 for \$500 to \$100; changed to \$40 for fees valued at \$250 or more but less than \$1,000; \$40 for work valued at \$1,000 or more but less than \$1,000,000, plus \$10 for each \$1,000 or part thereof in excess of \$1,000; \$40 for work valued at \$1,000,000 or more, plus \$10 for each \$1,000 or part thereof in excess of \$1,000 up to \$1,000,000, and for more than \$1,000,000, \$7 for each additional \$1,000 or part thereof.

Historic Area Commissions Applications/Historic Review Certificates

Fee is now \$5; the proposed fee is \$30.

Certificate of Occupancy

The fee is \$50 to \$100 for new buildings. The fee is changed to \$50 for residential, except new construction; \$100 for commercial and industrial and for new residential.

Freedom of Information Act (FOIA)

Fees were 35 cents for the first 10 pages and 25 cents for 11 or more. Fee was \$7 for audio recording and was non-specific as far as research costs relative to request. The new fees are 50 cents per copy, \$1 for two-sided copies, plus the cost of staff time in researching requests with an initial estimate to be provided to the requester; \$10 for audio recordings.

Parade and Assembly Permits

\$5, plus the actual cost of providing any requested City services.

Special Trash Pickup Fees

Refrigerator: old fee, \$30; new fee, \$40

Dishwasher: old, \$25; new, \$35

Stoves: old, \$25; new, \$35

Washers: old, \$25; new, \$35

Dryers: old, \$25; new, \$35

Air conditioners: old, \$20; \$30

Hot water heaters: old, \$20; \$30

Added fees are: barbecue grills, \$10; Sleeper sofas, \$35.

Councilperson Megginson made a motion to approve the resolution. Councilperson Gaworski seconded the motion. The motion passed unanimously

2. Motion, Discussion and Vote on Resolution No. 2009-21, authorizing participation in a grant

program, for three projects totaling \$1,322,500, broken down as follows:

- \$442,500 for the Buttonwood Dike Flood Mitigation, Nutrient Reduction and Habitat Enhancement project;
- \$630,000 for the Washington Park Flood Mitigation, Nutrient Reduction and Habitat Enhancement project;
- \$250,000 for the City of New Castle Stormwater Management Facility Retrofit project;

including that the City would be obligated to provide a 50% match for the total project, in the amount of \$661,250, which amount would be funded by a loan over five years with an interest rate of 2%, and the first loan payment (in excess of \$130,000) to commence in the City's 2010/11 fiscal year.

Mr. Jones, from Green Stone Engineering, and Larry Irelan and Kevin Donnelly, representing the New Castle Conservation District, provided a brief review of the three projects.

Mr. Irelan explained the benefit is two-fold, addressing flooding and providing additional protection from it, and second the federal government continuously comes in with new regulations related to runoff. He described these projects as getting two bangs for the City's buck.

Councilperson Petty made a motion to approve the resolution. Councilperson Gaworski seconded the motion. The motion passed unanimously.

Council President Barthel explained the City will set up the special election as soon as possible and there will be a public information meeting, with a full presentation for the public on the projects. He also has spoken with Mr. Wilson, president of the Trustees of the New Castle Common, about the project and Mr. Wilson planned to bring it to that organization's board members in the hopes they will share in the cost with the City.

Administrator Thomas said that Solicitor Akin notified her that a committee of three people must be appointed to serve as the Special Election Judges.

New Business

1. Report from the Council President on Appointment of an Ad-Hoc Committee to review the City Code, Chapters 140 Housing and Property Maintenance and 141 Dangerous or Vacant Buildings, and recommend changes to the City Council.

Council President Barthel said the housing code chapters do not allow for good implementation; there are a number of redundancies and can be misconstrued. City Council has talked about the need for more effective code enforcement. He has asked Jim Whisman to chair the committee; and Vera Worthy and Beverly Ross to serve as well. He asked other Councilpersons to recommend any others they might think of to serve on the committee.

2. Discussion of the process to Appoint an Ad-Hoc Committee to review the City Charter and recommend changes to the City Council.

Council President Barthel explained it is important for the City Council to address some lack of clarity in the current Charter. He asked Councilpersons to recommend people to serve on the committee.

3) Consideration of a request from the Beautification Committee for naming the triangle garden at the intersection of Delaware Street and the Ferry Cutoff.

Councilperson Petty read a letter from Arlene Stockwell, a member of the New Castle Beautification Committee, requesting permission to name the triangle garden after Kerstin Almquist, the founder of the committee and chairperson from 1999 to 2009. Councilperson Petty explained City does have a policy in place that it does not name parks after people, but this does not involve a park. She supported the idea. Council President Barthel concurred that the work Ms. Almquist has done has been very beneficial for the city.

The matter was approved by consensus.

4. Motion, Discussion and Vote on Resolution No. 2009-22, to approve a change order on the original 2008/09 City Paving Contract, between the City of New Castle and Cirillo Bros., Inc.

Councilperson Petty made a motion to approve the resolution. Councilperson Megginson seconded the motion. The motion passed unanimously.

5. Comments from the floor.

Jim Berman, a resident of Cherry Street, asked for information on Verizon being allowed to provide FiOS television service in the City.

Council President Barthel said that he had invited the Verizon representative to attend the first meeting of the new City Council. She had agreed to attend, but later withdrew the acceptance. City Council decided not to negotiate with itself, and he has not heard from anyone from Verizon. He said he does not know why she would not come back and discuss it with City Council. He hopes that at some point the company comes back and continues discussions on the agreement with City.

A City resident asked what, as a resident, should he do if he sees people dumping trash at the recycling places. He also suggested asking the police to be alert to people with leaves or carpeting in the back of a vehicle allowing it to blow out.

Earl Carpenter expressed concern about the size and placement of the utility boxes being placed on telephone poles around the City by Verizon.

Administrator Thomas has passed those concerns on to Verizon, which owns most of the poles.

Councilperson Gaworski said he views it has a hazard.

Council President Barthel suggested sending Verizon an official letter stating the City's displeasure.

6. Executive Session to discuss a matter of pending litigation and a personnel matter.

Councilperson Petty made a motion to adjourn the meeting into an Executive Session. Councilperson Megginson seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:56 p.m.

Respectfully submitted,
Michael Dickinson
New Castle City Clerk